

**KENTUCKY PERSONNEL BOARD  
MINUTES OF AUGUST 14, 2015**

1. The regular monthly meeting of the Kentucky Personnel Board was called to order by Chairman Doug Sapp on August 14, 2015, at approximately 9:30 a.m., 28 Fountain Place, Frankfort, Kentucky.

Board Personnel Present:

Wayne "Doug" Sapp, Chairman  
Larry B. Gillis, Vice Chairman  
David B. Stevens, Member  
David F. Hutcheson, Jr., Member  
Tommy W. Chandler, Member  
Mark A. Sipek, Executive Director and Secretary  
Boyce A. Crocker, General Counsel  
Cynthia Perkins, Administrative Section Supervisor

Board Personnel Absent:

Amanda Cloyd, Member

2. **READING OF THE MINUTES OF REGULAR MEETING HELD JULY 10, 2015**

The minutes of the last Board meeting had been previously circulated among the members. Chairman Sapp asked for additions or corrections. Dr. Stevens moved to approve the minutes, as submitted. Judge Chandler seconded and the motion carried 5-0. The Board members signed the minutes.

3. **EXECUTIVE DIRECTOR'S REPORT**

Mr. Mark Sipek reported he received an e-mail from Board Member William "Bill" Sheckles this morning. Mr. Sheckles advised that he was resigning from the Board due to personal matters.

Mr. Sipek stated advised that due to Cynthia Perkins receiving the Administrative Section Supervisor position, the Administrative Specialist III position is now vacant. Mr. Sipek requested the Board's approval to post the vacant position.

Mr. Hutcheson approved posting the Administrative Specialist III position. Dr. Stevens seconded and the motion carried 5-0.

Mr. Sipek stated the Board toured the Roederer Correctional Complex and the Kentucky State Reformatory in LaGrange on Thursday, August 13, 2015. The Board participants were: Hearing Officers Pat Moores and John Ryan; Board Members Bill Sheckles and Judge Chandler; and Board staff Andy Crocker, Gwen McDonald, and himself. Several mediators also participated: Linda House, Dana Harvey and Karen McGaughey.

#### **Personnel Board Annual Report for FY2015**

Mr. Sipek stated that the Board had a good solid year. Many appeals were processed and there were no investigations.

At the conclusion of Mr. Sipek's report, Chairman Sapp called for the Personnel Cabinet's report.

#### **4. PERSONNEL CABINET'S REPORT**

The Hon. Dinah Bevington, Executive Director, came forward to present the Personnel Cabinet's report.

The Personnel Cabinet is accepting nominations for the Governor's Ambassador Awards until the end of August. This is a way to honor state employees or citizens who have impacted the state. Information is available on the Cabinet's website.

As a result of the U.S. Supreme Court ruling on same-sex marriage, the Kentucky Employees' Health Plan (KEHP) provided a sixty-day special enrollment (July 1 – August 31, 2015) to accept applications to cover spouses and dependents. Ms. Bevington stated that as of this date, the Cabinet has received nineteen (19) applications.

Ms. Bevington advised that the Personnel Cabinet will issue a memo to all agencies regarding whether there is a need to extend or shorten probationary periods for any job classifications. [101 KAR 1:325, probationary periods.]

Mr. Sipek added that the process for re-approval of non-merit petitioned positions will be coming up for review. [KRS 18A.115.]

#### **5. ORAL ARGUMENTS**

- A. ~~Angelica Dailey v. Justice and Public Safety Cabinet (Corrections)~~  
(Request by Appellee) Moved to September

**B. Richard Chad Lanham v. Cabinet for Health and Family Services (2015-023)**

Present for oral arguments were Appellant, Richard Chad Lanham, and counsel for Appellee, the Hon. Mona Womack. After presenting oral arguments, the parties answered questions from the Board.

**C. Ralph Wilson v. Transportation Cabinet (2015-007)**

Present for oral arguments were Appellant, Ralph Wilson; counsel for Appellant, the Hon. Lawrence Webster; and counsel for Appellee, the Hon. William Fogle. After presenting oral arguments, the parties answered questions from the Board.

**D. Kemmye Graves v. Department of Military Affairs (2015-040)**

Present for oral arguments were counsel for Appellant, the Hon. Paul Fauri, and counsel for Appellee, the Hon. Michael Van Leuven. After presenting oral arguments, the parties answered questions from the Board.

**6. CLOSED SESSION**

Dr. Stevens moved that the Board go into Executive Session for the purposes of discussing complaints, proposed or pending litigation, and deliberations regarding individual adjudications. Judge Chandler seconded. Chairman Sapp stated that the motion had been made and seconded for the Personnel Board to retire into closed Executive Session, passed by a majority vote of the members present, with enough members present to form a quorum. Pursuant to KRS 61.810(1) (c), (f), and (j), the Kentucky Open Meetings Act, the Board will now retire into closed Executive Session. Specific justification under the Kentucky Open Meetings Act for this action are as follows, because there will be discussion of proposed or pending litigation against or on behalf of the Board; and deliberations regarding individual adjudication. The motion carried 5-0. (10:48 a.m.)

Mr. Hutcheson moved to return to open session. Dr. Stevens seconded and the motion carried 5-0. (11:50 a.m.)

**7. CASES TO BE DECIDED**

The Board reviewed the following cases. At that time, the Board considered the record including the Hearing Officers' findings of fact, conclusions of law and recommendations, any exceptions and responses which had been filed, and oral arguments where applicable.

- A. ~~Angelica Dailey v. Justice and Public Safety Cabinet (Corrections) (2015-321)~~**  
~~(Probationary dismissal, discrimination — appeal sustained)~~  
~~--Appellee's Exceptions and Request for Oral Argument~~  
~~--Appellant's Response to Exceptions Moved to September~~

**B. Richard Chad Lanham v. Cabinet for Health and Family Services (2015-023)**

Mr. Hutcheson, having noted Appellee's exceptions and oral arguments, moved to defer the matter to the next Board meeting. Judge Chandler seconded and the motion carried 5-0.

**C. Ralph Wilson v. Transportation Cabinet (2015-007)**

Judge Chandler, having noted Appellant's exceptions, Appellee's response and oral arguments, moved to accept the recommended order dismissing the appeal. Dr. Stevens seconded and the motion carried 5-0.

**D. Kemmye Graves v. Department of Military Affairs (2015-040)**

Mr. Gillis, having noted Appellant's exceptions and oral arguments, moved to accept the recommended order dismissing the appeal. Dr. Stevens seconded and the motion carried 5-0.

**E. Leroy Burgess v. Department of Military Affairs (2015-043)**

Mr. Gillis moved to accept the recommended order dismissing the appeal. Mr. Hutcheson seconded and the motion carried 5-0.

**F. Michael L. Reffitt v. Transportation Cabinet and Personnel Cabinet  
(2014-331)**

Judge Chandler moved to accept the recommended order dismissing the appeal. Mr. Hutcheson seconded and the motion carried 5-0.

**G. Christopher Reid v. Cabinet for Health and Family Services (2015-076)**

Mr. Gillis moved to accept the recommended order dismissing the appeal. Mr. Hutcheson seconded and the motion carried 5-0.

**H. Deana L. Tincher v. Cabinet for Health and Family Services (2014-158)**

Mr. Hutcheson moved to accept the recommended order dismissing the appeal. Dr. Stevens seconded and the motion carried 5-0.

**Show Cause Order – Appeal Dismissed - Response Filed**

Mr. Hutcheson, having noted Appellant's response, moved to accept the recommended order dismissing the appeal for failure to timely prosecute the appeal. Judge Chandler seconded and the motion carried 5-0.

**I. Judith Lozier v. Transportation Cabinet**

**Show Cause Order – No Response Filed – Appeal Dismissed**

Dr. Stevens moved to find that the Appellant had not responded to the show cause order and that the recommended order be accepted dismissing the appeal for failure to timely prosecute the appeal. Mr. Gillis seconded and the motion carried 5-0.

J. James Williams v. Justice and Public Safety Cabinet (Corrections)

**8. WITHDRAWALS**

Mr. Gillis moved to accept the following withdrawal of appeals *en bloc* and to dismiss the appeals. Dr. Stevens seconded and the motion carried 5-0.

- A. Genia Matchem v. Personnel Cabinet
- B. Kristen Murray v. Personnel Cabinet
- C. Lou Ann Raby v. Transportation Cabinet
- D. Gena Thomas v. Justice and Public Safety Cabinet/Corrections
- E. Renee Wilson v. Justice and Public Safety Cabinet/Corrections
- F. Sally Conaway v. Cabinet for Health and Family Services
- G. Ryan Stallons v. Tourism, Arts & Heritage Cabinet/Parks
- H. Stephen Drury v. Transportation Cabinet
- I. Melinda Lightner v. Tourism, Arts & Heritage Cabinet/Parks & Personnel Cabinet

**9. SETTLEMENTS**

Mr. Hutcheson moved to issue settlement orders and to sustain the appeals to the extent set forth in the settlements as submitted by the parties. Dr. Stevens seconded and the motion carried 5-0.

- A. Dana Barnes v. Cabinet for Health and Family Services
- B. Anthony Harrod v. Transportation Cabinet
- C. Darnell Owens v. Finance and Administration Cabinet (mediated)
- D. Teresa Cook v. Transportation Cabinet (4 appeals)

10. **OTHER**


**Personnel Board Annual Report for FY2015**

Dr. Stevens moved to approve the Annual Report for Fiscal Year 2015. Judge Chandler seconded and the motion carried 5-0.

There being no further business, Mr. Hutcheson moved to adjourn. Dr. Stevens seconded and the motion carried 5-0. (11:58 a.m.)

  
Wayne D. Sapp, Chairman

  
Larry Gillis, Vice Chairman

  
David B. Stevens, Member

  
David F. Hutcheson, Member

  
Tommy W. Chandler, Member